

Carlisle Conservation Commission
July 9, 2020
Minutes

Consistent with Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place due to the outbreak of COVID-19, this meeting of the Carlisle Conservation Commission was conducted via remote participation. **(Virtual Meeting Zoom ID 824 4729 4428)**

7:00 p.m. Confirming Member Access: *Chair Lee Tatistcheff conducted a Roll Call Vote to confirm all members and, staff were present: Dan Wells – Aye; Helen Young – Aye; Alex Parra – Aye; Conservation Administrator Sylvia Willard – Aye; Administrative Assistant Mary Hopkins – Aye. Commissioner Ken Belitz was not present.*

Chair Tatistcheff - Introduction to Remote Meeting: In order to mitigate the transmission of the virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspended the requirement of Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and have been encouraged to participate remotely.

The Order, which is posted on the Town's website, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. For this meeting, the Conservation Commission is convening by Zoom conference as posted on the Town's website identifying how the public may join. Please note that this meeting is being recorded. Accordingly, please be aware that other participants may be able to hear you and anything that you broadcast may be captured by the recording. All participants should keep their phones muted unless recognized by the Chair to reduce background noise and feedback. All supporting materials that have been provided to members of this body can be made available on upon request. The public is encouraged to follow along using the posted agenda unless the Chair noted otherwise." Tatistcheff concluded with a review of the meeting ground rules to allow for effective and clear conduct of the Commission's business and to ensure accurate meeting minutes.

7:05 p.m. Vice Chair Angie Verge joined the meeting

New and Pending Business:

Web Page Addition Request: The Commission discussed a request submitted by a local Girl Scout that they consider an addition to the "Helpful Links" section on their web page. The suggested link is to a site containing information the scout found helpful in working on an environmental project. The Commission expressed appreciation for her interest in environmental issues and agreed the third-party site she recommended contains some content that may be inappropriate for a governing body, particularly given that funding sources were not evident.

FY21 Budget: Tatistcheff said the Commission's FY21 budget has been level funded, requiring a revised budget to accommodate previously approved staff increases, including a grade change for the Administrative Assistant position. Willard presented a revised budget for the Commission's review based on these requirements. The revised budget includes delaying the field edge work on the Benfield Conservation Land as well as reductions to several discretionary line items. An increase in funding from the Commission's WPA Intents Account is proposed in order to offset the general fund wage line. Willard noted the Commission is able to encumber funds from the current FY20 maintenance budget to cover the annual Towle Field and Benfield Conservation Land maintenance mowing costs as well as the ongoing invasive plant management treatments at Towle Field.

On a motion by Young and seconded by Wells, it was unanimously voted to submit the revised FY21 budget as presented and to also communicate to the BOS the Commission's position that this is not an appropriate time to reduce the budget during this time when the use of the town's conservation properties has been invaluable. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

7:19 p.m. (DEP 125-1085) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Chris Buono, All Things Real Estate

Project Location: 0 South Street, Map 5 Lots 54 and 56

Project Description: Review of 6,500 feet of Bordering Vegetated Wetland Resource Area delineation

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. At the request of the applicant, who had requested a continuance in perpetuity, Tatistcheff requested a motion to continue the hearing to September 10, 2020 at 7:45 p.m. The motion was moved by Wells, seconded by Parra, and unanimously approved by roll call vote. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

7:21 p.m. (DEP 125-1092) Notice of Intent, Continued Hearing

Applicant: David Chaffin, Continued Hearing

Project Location: 52 East Street, Map 22, Parcel 64

Project description: Repair of a failing subsurface sewage disposal system a portion of work to be located within the 100-foot Buffer Zone of a Bordering Vegetated Wetland but greater than 50 feet.

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Lar Greene of McCarty Engineering, Inc. presented the revised plan including the following changes: (1) an additional wetland flag is now included based on Wells recommendation following his evaluation of the wetland delineation; (2) a proposed redesign of the septic system based on BOH requirements.

The BOH has not completed their review of the revised plan. The applicant voiced his preference that he would still like to move forward and seek approval from the Commission subject to BOH approval vs a continuance.

Willard said she is aware the BOH has requested confirmation of the depth of the existing water supply well. She asked if they are likely to approve the plan with the well in its present location or if they may require the well be relocated. Chaffin said the BOH's concern was with respect to whether there was some possibility of infiltration from the effluent from the septic, since it is an older well. He said these concerns have now been satisfactorily addressed with confirmation of the depth and casing specifications from a well installation firm and with the redesign of the Presby system for better effluent quality.

On a motion by Verge and seconded by Young, it was unanimously voted to close the hearing for DEP 125-1092. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

On a motion by Verge and seconded by Wells, it was unanimously voted to issue a Standard Order of Conditions based on the revised plan dated July 2, 2020, with the Special Condition that this order is valid pending approval from the BOH with the requirement that any updated plans must be submitted subject to the Commission's approval, and with the Commission's authorization allowing the Administrator to sign this order on their behalf. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

7:32 p.m. DEP 125-1089) Notice of Intent, Continued Hearing

Applicant: Wilkins Hill Realty

Project Location: Curve Street, Map 19, Parcel 19-39-X

Project Description: Construction of a proposed driveway, including tree clearing and grading with approximately 1,560 SF of wetland fill associated with the driveway crossing using an open-bottom box culvert; construction of a single-family home; installation of a water supply well; construction of a 1,610 SF Wetland Replication Area and associated grading.

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

A Wildlife Habitat Evaluation Appendix B required for work located within 100-feet of a vernal pool was submitted and forwarded to the Commission, as well as a revised plan relocating the wetland replication area (WRA). The updated vernal pool flags have been located and are shown on the plan. The WRA is now proposed closer to the vernal pool, to the west of the wetland crossing, to provide replicated vernal pool habitat. The WRA is the same square footage and contains the same number of plantings as previously proposed.

Willard reported visiting the site with a proposed buyer, the property owner, and several representatives from the realty companies to review the proposed change in location of the WRA. While on site, Willard observed several trees that would likely require removal in order to undertake the replication, as well as trees still marked for removal in the field which would not require removal if the revised plan is accepted. Tatistcheff requested clarification from project engineer Dan Carr of Stamski and McNary, Inc. regarding the revised location of the WRA as it relates to trees to be removed and to trees that will remain. Carr said he recently visited the site and removed flags from 5 trees that were to be removed under the previous plan and flagged 4 additional trees that will require removal for the new location of the WRA. A revised plan is in process and will be formally submitted shortly.

Wells asked wetland biologist David Crossman of B & C Associates, Inc. to explain his reasoning for moving the WRA. Crossman said the main purpose for the change in location is to provide a higher value replication than was previously proposed. Wells noted he had previously observed Wood frog and Spotted Salamander eggs in the documented vernal pool. He explained that these animals lay their eggs in the vernal pool, but live in the woods adjacent to the pool, so the closer you are to the vernal pool there is a greater density of animals living in the woods directly adjacent. He said it is his opinion that bringing in heavy equipment and removing trees defeats the purpose of the WRA, since the goal is to keep activity away from the vernal pool. He noted the originally proposed location is much farther from the vernal pool and believes it is perfectly suitable in terms of blending in with that part of the BVW.

Wells pointed out that the Commission had previously requested the WRA be sized at 1.3x the wetland alteration. He suggested the Commission consider reducing the size requirement to 1x in order to preserve the large, mature red maples that would require removal under the revised plan. He suggested that, if the Commission is in agreement that the original location is preferred, they should ask the applicant to consider reverting to the previous plan with the WRA resized.

Wells said that in reviewing the Wildlife Habitat Assessment he did not find mention of the area of large woody debris and rotting logs he had observed in the vicinity of the stake at the stream crossing. He said he considers these important habitat features and would therefore like to see some of the debris stockpiled and then relocated within the WRA or other location within the work area upon completion of work.

Tatistcheff confirmed with Carr that a revised plan will be submitted reverting to the previous WRA location at 1x, showing the trees no longer requiring removal and those to be preserved. Wells requested that the revised plan bring forward the detail showing the extension of the erosion control barrier wrapping around two of the trees to be preserved.

On a motion by Young and seconded by Parra, it was unanimously voted to continue the hearing to August 6, 2020 at 7:30 p.m. with the representative's approval. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

7:48 p.m. (DEP 125-1093) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Alison V. Pascarelli and Elizabeth Hudson Valentine, Trustees of the 566 Acton Street Nominee Trust

Project Location: West Street and Acton Street

Project Description: Confirmation of 16,925 linear feet of boundary delineated Bordering Vegetated Wetland

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw and requested a motion to continue the hearing to August 6, 2020 at 7:15 p.m. at the applicant's request. The motion was moved by Verge, seconded by Wells, and unanimously approved by roll call vote.

(DEP 125- 0966) Applicant: Steve Defoe, 570 West Street. Project: construction of a subdivision roadway, including stormwater management, grading, installation of a fire cistern and pathway. Issued: 4/20/16, extended to 6/20/20; Requesting 3 years

The Commission continued their review of the request from the previous hearing, when they had requested additional documentation from the wetland consultant regarding construction of the stormwater wetland and pending removal of the debris located at the end of the cul-de-sac, adjacent to a vernal pool.

Willard reported she has conferred with the consultant confirming the planting of the stormwater wetland has been completed in accordance with the plan of record and it is now being watered continuously using a nearby well. Willard is concerned about the area that had not been identified on the approved planting plan that are now unvegetated because of the likelihood that nearby invasive plants could become established in this area. She has asked the applicant to do additional seeding in this

area and to remove the debris at the end of the cul-de-sac. There has been no response. The applicant has installed bales around the cul-de-sac, as requested, to prevent gravel from eroding downslope but there is a concern the area will become unstable again once the bales are removed.

Tatistcheff noted the applicant is requesting a three-year extension to complete the outstanding work and to provide continued monitoring of the stormwater wetland feature to ensure it becomes satisfactorily established. She asked the Commission if there is a reason not to grant the extension.

Wells suggested the Commission consider a two-year extension vs three year, since two years of monitoring of the stormwater feature should be adequate. On a motion by *Verge and seconded by Wells*, it was unanimously voted to grant an Extension Permit for DEP 125-0966 for two years to expire on 6/20/2022 and to authorize the Conservation Administrator to sign the permit on the Commission's behalf. Roll Call Vote: *Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

Certificate of Compliance:

(DEP 125-1057) 373 School Street: Applicant: Cindy Schweppe: Project: New septic system and removal of 1 tree; Continuing Condition for invasive plant removal. Issued 10/31/2018

On a motion by Verge and seconded by Young, it was unanimously voted to issue a Certificate of Compliance for DEP 125-1057 and to authorize the Conservation Administrator to sign on their behalf. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

(DEP 125-482), (DEP 125-62), (DEP 125-46), (CVPB -1): 48 Westford Street; Applicant: Verizon

The Commission deferred issuance of the requested COCs pending additional seeding to stabilize areas of the site that are not yet satisfactorily vegetated.

8:00 p.m. (DEP 125-1094) Notice of Intent, Continued Hearing

Applicant: Justin Fishlin

Project Location: 54 Judy Farm Road

Project Description: Construction of a 2-story garage and extension of the existing driveway within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Kurtis Platteel of Stamski and McNary, Inc. presented a revised plan based on comments at the previous hearing and following a recent site inspection, with the following proposed changes: a drip edge and infiltration trench have been proposed behind the proposed garage; a proposed Dogwood tree on the front lawn within the 100' Buffer Zone has been added; a mitigation planting area within existing lawn has been proposed with 12 Winterberry bushes. I

Verge said she attended the site visit and, while she appreciates the applicant's willingness to take steps to protect the resource area, she is still concerned with the amount of new impervious surface proposed within such close proximity to the wetland. She asked if the applicant has given consideration to providing a more pervious surface for the driveway. Platteel said they are open to suggestions if the Commission determines more is needed.

Young said she agrees with Verge with regard to the amount of increased impervious surface. She is also concerned with the size of the proposed footprint and asked if there is a way to reconfigure the garage for a reduction, such as locating the tool storage on a second level. Applicant Justin Fishlin explained they plan to use 2 bays within the 4-car garage for family vehicles, one bay to serve an accessory apartment, and the fourth for equipment storage. He noted moving a snow blower down from the second level of the structure is not feasible. He said they will need clarification in order to properly design the structure to make this a successful project if the Commission is looking for more.

Tatistcheff said she considers a drip edge to be inadequate to manage the runoff from this structure and suggested they consider incorporating at least one drywell into the plan. She said she also does not understand why the garage is rotated so close to the wetland and asked the applicant to explain why it could not be rotated up and back toward the proposed mitigation plantings. Fishlin said the design includes a pergola which will provide a connection to the house. If they were to locate the new structure on the other side of the house, they would have to relocate the leaching field and gas and electric

services. Tatistcheff clarified she is not proposing the building on other side of house - she is proposing rotating it back and farther from the wetland and reducing the length of the pergola.

Verge asked the applicant if a site designer has looked at this project as far as to how to maximize your needs, while also protecting the resource area within the regulations of the state. Fishlin confirmed an architect was involved in the design process. Wells suggested they look at trying to keep the Limit of Work at 25 feet from the wetland, shifting the building so the erosion control barrier would mark the 25-foot setback. He noted this approach would preserve two trees currently TBR and would, in his opinion, be a significant improvement over the current proposal. Verge asked if it is necessary to remove the two large trees located on the left side of the driveway. Fishlin said they consider this a safety factor because the roots of these trees are likely to be damaged during the paving process. He said they would be happy to provide replacement trees in this area if that is the preference. Verge noted the proposed mitigation planting did not include size specifications and suggested plants of a minimum of 2-3 feet in height be provided.

Tatistcheff asked the applicant if he needed additional guidance from the Commission. Platteel reiterated the Commission's recommendations for the applicant's consideration, including relocating the structure with the associated LOW at least 25 feet from the wetland, incorporation on pervious pavement materials, addition of a drywell/cultec system for infiltration.

On a motion by Verge and seconded by Wells, it was unanimously voted to continue the hearing to August 6, 2020 at 7:30 p.m. with the applicant's approval. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

8:20 p.m. (DEP 125-1095) Notice of Intent, Continued Hearing

Applicant: Carlisle Municipal Facilities Committee

Project Location: 59 Morse Road

Project Description: Replacement of a failing existing septic system

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Dan Carr of Stamski and McNary, Inc. reported they have received a review letter from the BOH on the septic design with minor comments not relative to the plan as it relates to the Commission's review.

Willard said her understanding there will be some changes regarding the details for the forcemain pipe. Carr clarified the BOH is requiring the pipe be sleeved and capped which will not affect the plan from the Commission's standpoint.

Wells recalled from the previous hearing that he had noted the plan includes two alternative erosion control specifications and he had indicated his preference that filtermitt be used in the area downgradient of the work in the vicinity of the vernal pool, since a haybale/siltation barrier could potentially block amphibian migration if the work were to be done during an active period. MFC member Steven Hinton explained they are under a strict timeline to complete the project within the next couple of months. Wells said amphibians will move anytime between March and late October, so his suggestion is to include either a requirement that filtermitt be used or to incorporate a time restriction.

On a motion by Verge and seconded by Wells, it was unanimously voted to close the hearing for DEP 125-1095. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

On a motion by Young and seconded by Wells, it was unanimously voted to issue a Standard Order of Conditions with the following Special Conditions: a final plan shall be submitted upon approval from the BOH and if substantial changes are made to the current plan, the applicant will be required to submit a Request for an Amended Order of Conditions; the erosion control detail must be updated on the next plan revision to include the use of filtermitt only vs haybale siltation barrier; the Conservation Administrator is authorized to sign the Order on the Commission's behalf. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.

Bills – Final FY20: *On a motion by Parra and seconded by Verge, it was unanimously voted to approve the bills as presented by the Administrator. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

Minutes:

*On a motion by Verge and seconded by Wells, it was unanimously voted to approve the minutes of **May 28, 2020** as submitted. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

*On a motion by Verge and seconded by Wells, it was unanimously voted to approve the minutes of **June 4, 2020** as submitted. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

Maple Street Beaver Management: Brook Street resident Frank Dolis submitted a written complaint about ongoing maintenance work related to beaver activity at the bridge on Maple Street. His concern is with regard to the negative impacts to wildlife resulting from the DPWs daily work on a beaver dam in order to allow water to flow under the bridge. Mr. Dolis has requested that this activity stop immediately since this it is in violation of the state regulations required for beaver management.

Willard reported visiting the site with DPW Superintendent Gary Davis and instructing him to cease all beaver management activity until further notice. She noted several years ago another upstream resident requested a permit to assist with the issues due to the threat to his septic system and was granted a 10-day Emergency Permit to allow beaver trapping through the BOH and the Conservation Commission in accordance with the regulations.

Willard said she is concerned about a potential fish kill since water is now being prevented from flowing downstream into Greenough Pond, which could become low due to the declared drought.

The Commission instructed Willard to contact a beaver management consultant to explore potential options for managing the beaver dam activity. They will advise the BOS once a formal proposal has been submitted.

Conservationist of the Year Award: Since the annual nomination process for the CONY award was postponed in March and Old Home Day was cancelled due to the COVID pandemic, the Commission will place a notice in the *Carlisle Mosquito* and on the town web site requesting 2020 nominations.

Project Updates:

Great Brook Farm State Park: The culvert replacement project is nearly complete; erosion control issues are being addressed; vegetation is emerging in the disturbed area used for locating the heavy equipment

480 South Street: This project was found to be underway prior to the required erosion control inspection due to a misunderstanding regarding procedures; the property owner is now in the process of upgrading the barrier

Conservation Land Management:

Curve Street Dam:

Willard reported the town has received an Order from the Office of Dam Safety (ODS) to conduct the required 5- year Phase 1 Inspection of the Curve Street Dam. The previous inspection was conducted by Weston and Sampson at a cost of approximately \$5,000 when the bog was still being used for active cranberry farming. Upon receipt of the request, Willard contacted the ODS to explore their requirements should the Town wish to remove the impoundment structures/slots in the flumes at the culvert under Curve Street. She was told the town's engineer would be required to submit to the ODS photographs of the removed boards and slots from the cranberry flumes, along with a Hazard Classification Application requesting to reclassify the dam as non-jurisdictional.

The Commission discussed the options of continuing to maintain the dam or having it reclassified as a culvert. If the town continues to maintain the dam, the state could at some point require a more extensive Phase 2 Inspection at a cost that could rise to five figures; if the town has it reclassified as a culvert, the inspections would no longer be required. Since the report is due to the state by the end of October, the Commission will also consider taking the necessary steps to move forward with the inspection in order to preserve their options, as the process can take quite some time and there may not be sufficient time to make an informed decision.

8:53 p.m. Hundal joined the meeting

Wells pointed out that reclassifying the dam as a culvert could potentially save the town a significant amount of money every 5 years. Parra noted reclassifying the dam as a culvert and abandoning the dam may have negative impacts on the town's options for undertaking a potential wildlife habitat restoration plan in the future, as previously identified as one of the primary potential future alternative uses of the bog. The Commission agreed additional information is needed in order to fully evaluate the impacts of either option before making a decision. Parra agreed to coordinate a meeting with the Cranberry Bog Working Group prior to the Commission's next meeting.

Open Space and Recreation Report 7- Year Action Plan: *On a motion by Parra and seconded by Young, it was unanimously voted to submit the 7 -Year Action Plan as revised per discussion at previous meeting. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

Greenough Dam Grant Application: Stephens Associates is in the process of submitting a proposal to undertake a review of the grant application when completed.

Municipal Vulnerability Program (MVP): The Master Plan Steering Committee has requested a vote in support of their MVP grant application. The grant would provide funding for a project coordinator to assist in assessing the town's vulnerability to the effects of climate change. MVP liaison Verge explained the town's commitment is volunteer hours from various groups and committees so there would be no cost to the town to put a plan together based on the assessments. With a completed plan, the town would then become eligible for additional state grants to help fund mitigation measures related to the issues identified in the plan. *On a motion by Young and seconded by Verge, it was unanimously voted to submit a letter to the Master Plan Steering Committee in support of the Municipal Vulnerability Program grant application. Roll Call Vote: Verge – aye; Tatistcheff – Aye; Parra – Aye; Young – Aye; Hundal – Aye; Wells – Aye.*

Plan Revision Requirements: Tatistcheff announced the Commission is implementing a formal policy whereby, effective immediately, all updated plans must be submitted by noon at least one week in advance of all continued hearings.

9:04 p.m. *On a motion by Verge and seconded by Wells, the Commission unanimously voted to adjourn by roll call vote.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant

All supporting materials that have been provided to members of this body can be made available on upon request